

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CR103
)	
v.)	
)	
LEE A. WEINSTEIN,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court upon the Stipulation (Filing No. [81](#)) of the plaintiff, United States of America, and the petitioners, First National Bank of Omaha and Main St. Properties, LLC. The Court has reviewed the file and the Stipulation, and finds as follow with respect to Lot 1, Benson Acres, Second Addition, as surveyed, platted, and recorded in Douglas County, Omaha, Nebraska, locally known as 4012 N. 72nd Street, Omaha, Nebraska 68134-0000 (hereinafter “the property”):

A. Pursuant to this Court’s Preliminary Order of Forfeiture dated September 9, 2010 (Filing No. [62](#)), the United States has published notice of its intent to dispose of the property in such a manner as the Attorney General may direct. In addition, the United States provided direct notice to persons or entities which the United States knew had an interest in the property. A Declaration of Publication was filed herein on November 17, 2010 (Filing No. [73](#)). In response to said published and direct notices, Main St. Properties, LLC, filed a Petition and supporting Index (Filing Nos. 66 and 67) herein; First National Bank of Omaha also filed a Petition and supporting Index (Filing Nos. 69 and 70). No other person or entity filed a Petition setting forth any legal or equitable interest in the property.

B. Pursuant to a promissory note and deed of trust secured by the property, First National Bank of Omaha is owed \$113,933.71 as of December 15, 2010, together with interest accruing thereon at the rate of \$18.63 per day after December 15, 2010. The United States has acknowledged First National Bank of Omaha's lien against the property, and its associated debt. The United States has agreed any interest the United States acquires in the property by virtue of this Court's Preliminary Order of Forfeiture would be junior to that of First National Bank of Omaha.

C. The parties have represented the defendant's corporate entity, Weinstein, Inc., has agreed to sell the property to Main St. Properties, LLC. for \$150,000.00. The sale has not yet closed. When the closing does take place, the parties represent whatever sale proceeds remain after payment to First National Bank of Omaha and payment of the closing costs outlined in the sales contract between Weinstein, Inc. and Main St. Properties, LLC, will be tendered to the United States. In return, the United States will release its *Lis Pendens* currently filed against the property.

D. The United States represents it will seek a Final Order of Forfeiture on whatever sales proceeds it receives, asking this Court to forfeit said funds to the United States.

E. The parties' Stipulation should be approved. Accordingly,

IT IS ORDERED:

1. The Stipulation (Filing No. [81](#)) of the plaintiff, United States of America, and the petitioners, First National Bank of Omaha and Main St. Properties, LLC, is hereby approved. The United States, First National Bank of Omaha and Main St. Properties, LLC, are bound by said Stipulation and will act in accordance thereto.

2. The United States will take no action to stop the sale of Lot 1, Benson Acres, Second Addition, as surveyed, platted, and recorded in Douglas County, Omaha, Nebraska, locally known as 4012 N. 72nd Street, Omaha, Nebraska 68134-0000 from Weinstein, Inc. to Main St. Properties, LLC. At the closing of said sale, the United States will tender a release its *Lis Pendens* currently filed against the property; First National Bank of Omaha and Main St. Properties, LLC, will tender the net sale proceeds to the United States. In return, the United States will release its *Lis Pendens* currently filed against the property.

3. The United States will seek a Final Order of Forfeiture on the sale proceeds.

4. The United States of America, First National Bank of Omaha, and Main St. Properties, LLC, will each pay its own fees and costs associated with this forfeiture action.

DATED this 24th day of January, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court